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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,740	11/26/2003	Yong Jae Lee	K-0584	3951

34610 7590 07/14/2006

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EXAMINER
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PATEL, RITA RAMESH

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/721,740		LEE, YONG JAE	
	<b>Examiner</b>		<b>Art Unit</b>	
	Rita R. Patel		1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

The drawings received 11/26/03 are acceptable for examination purposes.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Theis et al. herein referred to as "Theis" (US Patent No. 6,103,017).

Theis teaches an automatic filtration for a dishwasher including a drain pump 54 which can drain the sump region 18 by drawing wash liquid through a drain port 62. However to purge the system's accumulator 50, the drain port 62 is closed by a pressure operated control valve system 60 such that the sump 18 is separated from the drain pump when the wash sump 28 is operating. The control valve system 60 may be any type of system responsive to pressure generated by the operation of the wash pump 28, and is illustrated as a movable valve stem 61 supporting a plug seal 63 (col. 5, lines 42-56). As seen in Figure 2, drain tube 58 is shown integrally connected to said drain port 62 and drain pump 54; the drain tube 58 has a peak point of an inverted u-shape piece that is disposed higher than the sump, to prevent the water from flowing

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backward. This reads on applicant's claims for a sump, drain pump with a drain hose attached thereon, a backflow-preventing passage having a peak point of an inverted u-shape piece, and a check valve for actuation in accordance with the drain pump.

A coil spring 67 is compressed between a spring retainer 69 and the backside of the upper pressure surface 61a such that the upper pressure surface 61a is urged upwardly into a cavity 71 (col. 5, lines 59-62); such that when there is insufficient wash liquid to pressurize the cavity 71, the valve stem 61 is biased upwardly, to open drain port 62. Theis's teaching of a movable valve stem 61 reads on applicant's limitation for a hinged sealing member and Theis's disclosure of plug seal 63 reads on applicant's limitation for an annular rib. Moreover, Theis maintains that it can be understood by one skilled in the art that the operation of control valve system 60 allows for a thorough pump-out of wash liquid during drainage such that little wash liquid remains in the sump 18 at the completion of a drain cycle (col. 6, lines 40-45); thus reading on applicant's claim such that the spring of the sealing member may be closed when the pressure of the water flowing in the backflow preventing passage drops below a pre-determined value.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Theis as applied to claim 3 above.

Theis teaches the claim invention, except fails to statelY disclose the material composition of the plug member 63. However, forming said sealing member of Theis from a rubber-based material would have been obvious to one of ordinary skill in the art at the time of the invention, as claimed by applicant, because this material is commonly known in the art of dishwashing apparatuses to be an effective sealing component. Rubber-based sealing members are often marked by resiliency, cost effectiveness, reactively inert properties and environmentally friendly characteristics, thus making rubber-based seals in dishwashing apparatuses commonly known features used in the art. Motivation to make a specific structure is always related to the properties or uses one skilled in the art would expect the structure to have. *In re Newell* 13 USPQ 2d 1248, 1250 (Fed. Cir. 1989); *Fromson v. Advance Offset Plate* 225 USPQ 26, 31 (Fed. Cir. 1985); *In re Gyurik* 201 USPQ 552, 557 (CCPA 1979).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP

  
MICHAEL BARR  
SUPERVISORY PATENT EXAMINER